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February 1, 2006

Via Hand Delivery and Electronic Filing

The Honorable Gregory M. Sleet
United States District Court
844 N. King Street
Lock Box 19
Wilmington, DE 19801

Re: Kopacz v. Del. River and Bay Auth. *et ano.*, D. Del., C.A. No. 04-911 (GMS)
Kopacz v. Del. River and Bay Auth., D. Del., C.A. No. 04-1281 (GMS)

Dear Judge Sleet:

We write to respond to plaintiff's request for more time to present his case.

As we understood the court's order, each party would receive 5.5 hours to present his case.

On behalf of the DRBA, we have been working very hard to pare our case down to the bare essentials in order to meet those time restraints, and are frankly concerned that we will be unable to effectively cross examine the plaintiff and present the four eyewitnesses, police officer, medical expert and other fact witnesses within that timeframe. In the event that plaintiff is given additional time, we respectfully request that the DRBA be given additional leeway as well.

As far as any suggestion that the defendants be required to split an allotted time period, we do not think that this is a fair allocation of trial time. In the first place, the DRBA's defense is based in large measure on Mr. Kopacz' employment history and performance, and therefore must

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lay the foundation for this defense with some background witnesses. The DRBA must also defend the maintenance and cure claim, in addition to the claim of negligence and unseaworthiness. Finally, we have taken the lead in defending this case, and will therefore require more time than defendant Swett.

We anticipate that Counsel for Swett will not duplicate the evidence presented by the DRBA, and assure the Court that we will do everything in our power to move this case along at a rapid pace. We respectfully request that we be allotted our full 5.5 hours to present the DRBA's defense, and that the Court will grant us a minimum of leeway in the event that our defense runs slightly longer.

Respectfully,

/s/ Carmella P. Keener
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